

<sup>5</sup> *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

1 court may dismiss an action based on a party's failure to prosecute an action, failure to obey a  
2 court order, or failure to comply with local rules.<sup>6</sup> In determining whether to dismiss an action  
3 on one of these grounds, the court must consider: (1) the public's interest in expeditious  
4 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the  
5 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the  
6 availability of less drastic alternatives.<sup>7</sup>

7 The first two factors, the public's interest in expeditiously resolving this litigation and the  
8 court's interest in managing its docket, weigh in favor of dismissal of the plaintiff's claims. The  
9 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a  
10 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading  
11 ordered by the court or prosecuting an action.<sup>8</sup> A court's warning to a party that its failure to  
12 obey the court's order will result in dismissal satisfies the fifth factor's "consideration of  
13 alternatives" requirement,<sup>9</sup> and that warning was given here.<sup>10</sup> The fourth factor—the public  
14 policy favoring disposition of cases on their merits—is greatly outweighed by the factors  
15 favoring dismissal.

---

17 <sup>6</sup> See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with  
18 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to  
19 comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–  
20 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to  
keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.  
21 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,  
22 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

21 <sup>7</sup> *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;  
22 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

22 <sup>8</sup> See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

23 <sup>9</sup> *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

<sup>10</sup> ECF Nos. 7, 12.

Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY ORDERED that the Report and Recommendation [ECF No. 12] is **ADOPTED**, and **this case is DISMISSED** for failure to file a notice of changed address as directed by the court. **The Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS CASE.**

Dated: November 16, 2019

U.S. District Judge Jennifer A. Dorsey